

# KEENAN & BHATIA, LLC

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**BY CM/ECF**

September 15, 2023

**MEMO ENDORSED**

The Honorable Katherine Polk Failla  
United States District Judge  
Southern District of New York

RE: *Azor-El, et al. v. City of New York, et al.*, 1:20-cv-03650-KPF (and related cases)  
Consent Letter Application for Extension of Class Certification Motion Deadline

Dear Judge Failla:

The undersigned firm represents the Plaintiffs in this action concerning conditions of confinement in NYCDOC facilities during the pandemic. We write with Defendants' consent to apply to the Court for a 14-day extension of the deadline to file a motion for class certification.

The current class certification motion deadline is September 29, 2023.

The parties have completed class certification-related discovery, and the Plaintiffs have made their class certification expert disclosures, as reflected in the Notice of Service filed on the Court's docket. (ECF Doc. 186.)

Because of planned travel in late September, we had hoped to have a substantial draft of our motion and brief by now. But we have had a number of medical appointments and issues, including a surgery and two illnesses, that have been time-consuming and impacted the pace of our work. Fortunately, things are better health-wise, but modest additional time is needed to write and file the motion and brief. We have conferred with counsel for the Defendants, and the Defendants have no objection to a 14-day extension of the class certification deadline, up to and including **October 13, 2023**.

We respectfully apply to the Court for this 14-day extension. We appreciate the Court's consideration and are happy to provide any additional information or updates.

Respectfully submitted,

KEENAN & BHATIA, LLC

By: *Sonal Bhatia and E.E. Keenan*  
Attorneys for Plaintiffs

Application GRANTED. The Court is glad to hear counsel is in better health, and will grant Plaintiffs' request for a modest extension.

For clarity: Plaintiffs shall file their motion for class certification on or before **October 13, 2023**. Defendants shall file their opposition on or before **November 24, 2023**. Plaintiffs shall file their reply, if any, on or before **December 15, 2023**.

The parties are advised that the Court will not grant future extensions of this deadline, absent extenuating circumstances.

The Clerk of Court is directed to terminate the pending motion at docket number 189.

Dated: September 15, 2023  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE